

August 1, 2007

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

George Pangburn, Deputy Director
Office of Federal and State Materials
and Environmental Management Programs

Joseph R. Gray
Office of the General Counsel

Bruce S. Mallett, Regional Administrator
Region IV

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
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SUBJECT: MINUTES: JULY 19, 2007, SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the Management Review Board meeting held on July 19, 2007. If you have comments or questions, please contact me at 301-415-1277.

Enclosure: Minutes of the Management
Review Board Meeting

cc: Pearce O'Kelley, SC, OAS Liaison
Aubrey Godwin, AZ
Tom Hogan, MN
B. J. Smith, MS

Management Review Board Members

August 1, 2007

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MINUTES: MANAGEMENT REVIEW BOARD MEETING OF JUNE 12, 2007

These minutes are presented in the same general order as the items were discussed in the meeting. The attendees were as follows:

Martin Virgilio, MRB Chair, DEDMRT
George Pangburn, MRB Member, FSME
Kim Karcagi, FSME

Joseph Gray, MRB Member, OGC
Duncan White, FSME
Aaron McCraw, FSME

By teleconference:

Bruce Mallett, MRB Member, Region IV
James Lynch, Region III
Aubrey Godwin, AZ
B. J. Smith, MS

Pearce O'Kelley, OAS Liaison, SC
Linda McLean, Region IV
Tom Hogan, MN
George Johns, MN

1. **Convention.** Ms. Kim Karcagi convened the meeting at 1:11 p.m. She noted that this Management Review Board (MRB) meeting was open to the public; however, no members of the public participated in this meeting. She then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
2. **Meetings Discussion.**

Orientation Meeting with Minnesota. Mr. James Lynch led the discussion of the results of the orientation meeting with the Minnesota Department of Health (ADAMS Accession Number ML063260258). The meeting was held on November 14, 2006. Mr. Lynch summarized the status of each of the program's major responsibilities, noting that the program is on target to achieve a "satisfactory" finding for each of the applicable performance indicators for their first Integrated Materials Performance Evaluation Program (IMPEP) review. Minnesota's first IMPEP review is scheduled for October 15-19, 2007. Mr. Lynch noted that there is strong management support for the radioactive materials program. Dr. Bruce Mallett raised to his fellow members of the MRB that Minnesota's outreach program, targeting licensee physicists, be considered a good practice. The MRB agreed that the outreach program was a good practice. Mr. Tom Hogan thanked the MRB for the support received from the U.S. Nuclear Regulatory Commission (NRC) since the signing of the Agreement.

Periodic Meeting with Arizona. Ms. Linda McLean led the discussion of the results of the periodic meeting with the Arizona Radiation Regulatory Agency (ADAMS Accession Number ML070811130). The meeting was held on March 1, 2007. Ms. McLean discussed the status of the five recommendations made to State during the 2006 IMPEP review, as well as the status of the overall program. Ms. McLean highlighted that the State continues to experience staffing concerns. The program recently lost two experienced employees to retirement; however, it has been able to fill one of those positions and has received authorization to add an additional position. Mr. Pangburn inquired about salary increases in the State. Mr. Aubrey Godwin indicated that the State implemented a State-wide salary increase, but there has been no salary restructuring for program employees. Ms. McLean stated that the program had 187 Priority 2-3 inspections overdue at the time of the meeting. Mr. Godwin estimated that the number

of overdue Priority 2-3 inspections has been reduced by approximately 20 percent since the meeting; however, the exact number cannot be ascertained until the new database is fully operational. The database is currently in beta-testing and should be fully operational within the next 2 months. Dr. Mallett asked the program for an estimate of when the program would be current on all inspections. Mr. Godwin stated that it would take at least 3 years, given the trend in staff turnover. Mr. Godwin pointed out that he has experienced difficulty in retaining qualified staff. Several staff members have left the program for higher paying jobs shortly after becoming fully qualified. With stable staffing, Mr. Godwin indicated that the program may be able to catch up on their overdue inspections in a shorter time frame.

The MRB discussed the need for a letter of support. Mr. Pangburn brought to the attention of his fellow MRB members that the NRC issued a letter of support to Arizona in May 2006. Mr. Godwin indicated that the letter brought notoriety from the State Legislature to the program. Mr. Godwin discussed, in detail, the limited funding that is made available for training of new staff. Mr. Godwin explained that funding for training of new staff is provided for the first year of an individual's employment, but additional funds are not available for training after that point. Due to training schedules, mandatory training classes are nearly impossible to complete in a single year. Inspector and license reviewer qualifications typically require 2 or more years to complete. Mr. Pearce O'Kelley asked that if a letter of support is sent to the State that this fact be highlighted. Dr. Mallett asked that if a letter of support is issued the letter reflect that there are no safety issues at any of the facilities regulated by the program. Mr. Virgilio suggested that calls to key individuals coincide with the transmittal of the letter of support. He indicated that this was a very effective approach with other Agreement State programs. The MRB ultimately tasked that the Office of Federal and State Materials and Environmental Management Programs with developing an action plan in deciding the best course of action for assisting Arizona. The MRB also directed staff to perform a full IMPEP review of the Arizona Agreement State Program in Fiscal Year 2008.

Periodic Meeting with Mississippi. Ms. McLean also led the discussion of the results of the periodic meeting with the Mississippi Division of Radiological Health (ADAMS Accession Number ML071140341). The meeting was held on April 3, 2007. Ms. McLean discussed the current status of the program, noting that Mississippi has had difficulty in recruiting and retaining qualified staff. The inability to recruit and retain qualified staff is primarily caused by the low salaries offered to radiological health staff. Ms. McLean discussed some of the State's efforts to increase salaries, including a salary survey of surrounding States. The State added that NRC's training schedule hinders the timeliness of qualification of new staff. Dr. Mallett asked if NRC staff had completed the actions in response to the recommendation to the NRC in the 2005 IMPEP report. Staff responded affirmatively. Dr. Mallett commended the State on their stellar performance in response to Hurricanes Katrina and Rita. Dr. Mallett suggested on-the-job training with NRC rather than waiting for NRC classes to be scheduled. Mr. Duncan White suggested working with adjacent States as well. Mr. B. J. Smith stated that the program had considered those options, but the program has to "jump through hoops" to get out-of-State travel approval for that reason.

The MRB debated the need for a letter of support. Mr. Virgilio explained that letters of support should be reserved for cases where there are apparent performance weaknesses. The MRB agreed that the threshold for issuance of letters of support must remain relatively high in order for the letters to retain their value. Mr. Smith stated that he understood the MRB's decision; however, he believes that a letter of support would be beneficial to his program as it would illustrate the program's staffing issues to his new management. The senior managers that were present at the last IMPEP review are no longer in their respective positions with the State. The MRB agreed that they would prefer to try other options first. Mr. O'Kelley commended the State for being able to maintain an adequate level of performance despite the staffing issues. The continued performance of the Mississippi Agreement State Program was in large part due to the dedication of the former Program Manager and Mr. Smith.

Comments. Ms. Karcagi reiterated the decisions made by the MRB during this meeting and highlighted the takeaways.

3. **Precedents/Lessons Learned.** No precedents that will be applied to the IMPEP process in the future were established by the MRB during this review.
4. **Adjournment.** The meeting was adjourned at approximately 2:15 p.m.